



2010 LAND USE LEGISLATIVE REPORT

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Bills Passed

2

HB169 – Refinery Amendments

- For non-industrial development within 500 feet of a refinery boundary, requires consultation with the refinery before adoption of non-industrial zoning change or land use application

3

HB171 – Water Rights Revisions

- Deals with change of use applications
- Issue for water rights acquired by local governments
- Does not define parameters for consideration

4

HB205 – Impact Fee Amendments

- Deals with credit for impact fees for schools and charter schools
- Consideration to be given when school not included in capital improvement plan

5

HB222 – Land Use Meeting Notice

- Changes the time for mailing of notices for public hearings from 3 days to 10

6

HB265 – Real Property Amendments

- Requires county assessors to consider certain factors in assigning value to golf courses and hunting clubs

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HB279 – County Recorder Amendments

- Clarifies requirement for distinct subdivision name
- Signatures of all owners needed for dedications, amendings, conveyance of common parcels
- Re-emphasis on recorder's ability to still record metes & bounds even if local gov certificate is not provided
- Vacation of ROWs must have recorded a plat or ordinance
- Recorder technical amendments

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HB282 – Local Government Amendments

- Technical corrections to definition of “educational facilities”
- Prohibits local govs from treating non-educational school facilities differently from other similar uses

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HB298 – Land Use Authority Notification of Canal Development

- requires a municipal or a county land use authority to notify a canal company or canal operator of a land use application to develop within 100 feet of a canal
- Requires canal companies to provide local govs through which their canals run contact information

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HB343 – Great Salt Lake Advisory Council

- Establishes a Great Salt Lake advisory council
- Controversy over not including more scientific membership

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HB341 – Municipal Land Use Provisions

- Prohibits local govs from requiring alterations or termination of legal nonconforming rental housing
- Prohibits use of business licensing to terminate legal nonconforming rental housing

12

SB15 – Utah Scenic Byway Amendments

- Provides that the legislature may approve, deny or modify a corridor management plan
- A nominating entity is not required to move forward with a plan, once the legislature has taken action

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SB30 – Local Option Sales Taxes for Transportation Act

- Consolidates and standardizes requirements for various local option transportation sales taxes
- Requires vote of the public for enactment of any of these taxes

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SB37 – Impact Fee Revisions

- Makes changes agreed upon by Land Use Task Force
- Clarifies what “development approval” is with regard to public water supplier
- Define “encumber”
- Takes out notification requirement for home builders, realtors, contractors (must be posted on state notification web site)
- Specifies the period of time for which refunds can be given after an opinion by state ombudsman

15

SB45 – Utah Fit Premises Act Amendments

- Specifies minimum definition for “family”
 - 4 or more unrelated persons
 - Except in “university” towns, where it can be 3 or more

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SB89 – Legal Notice Amendments

- Incorporates reference to the Utah Public Notice Website for all required notices
- Makes a number of other technical changes

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SB124 – MIDA Modifications

- Makes a number of changes

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SB126 – Subdivision Amendments

- Lots of language to essentially exempt from subdivision requirements the dividing or modifying of lots in an existing subdivision
- Also the division of land where the approving authority clearly anticipates additional divisions in future that will be carried through the process (large remaining parcels)

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SB197 – CD and Renewal Agency Amendments

- Makes a number of changes in allowable uses of increment
- Allows for increment in one district to be loaned for use in another district
- Reinstates some use of available funds for housing
- Other technical changes

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SB272 – Amendments to Transportation Provisions

- Defines transit oriented development
- Makes provisions to allow a transit agency to partner in a private development proposal for TOD, including subordination of property

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Bills Failed

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Billboard Bills

- HB180 – Outdoor Advertising Amendments
- HB400 – Billboard Amendments
- SBI 12 – Termination of a Billboard and Associated Rights Amendments
 - To be discussed during interim

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HB102 – Agriculture Sustainability Act

- Creates whole new Act
- Specifies ag conservation easements
- Restricts state development projects in such easements
- In certain counties, allows for conservation “projects”

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HB291- Applicability of Land Use Provisions to Federal Government

- modifies county and municipal land use provisions to provide that they apply to land owned by the federal government to the fullest extent allowed by federal law
- requires the federal government to comply, to the extent allowed under federal law, with county and municipal land use ordinances

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HB401 – Residential Facilities For Elderly Persons

- Would eliminate the requirement that such a facility must be owned by one of the residents or immediate family members
- Would remove the restriction on the number of residents in such a facility (8 or fewer)

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SB196 – CD and Renewal Amendments

- ▣ Restores and extends requirements for housing funding in all types of project areas

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SB244 – Annexation Amendments

- The “Snowbird” annexation proposal
- To be discussed and studied during interim

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SB269 – County Powers to Resolve Lawsuits via Development Agreements

- Relates to Powder Mountain incorporation issue
- An attempt to help solve the problem